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METROPOLITAN LIFE INSURANCE
COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JON PAUL SIMS, MICHAEL B.
BAGLEY, and JEFFERY A. PFEIFFER,
each individually, and on behalf of all
others similarly situated,

Plaintiff,

vs.

METROPOLITAN LIFE INSURANCE
COMPANY AND DOES 1 THROUGH
100, inclusive,

Defendant.

Case No. 05 CV 2980 (TEH)

**STIPULATION TO CONTINUE
HEARING; ~~PROPOSED~~ ORDER**

The Honorable Thelton E. Henderson

WHEREAS, there are four motions currently pending before the Honorable Thelton E. Henderson, to wit: Plaintiffs' Motion for Summary Adjudication, Defendant's Motion for Summary Judgment, Plaintiffs' Motion for Class Certification, and Plaintiffs' Motion to Strike Defendant's Counterclaims (the "Motions"); and

WHEREAS, all four of the above described Motions are set for oral argument on January 8, 2007 in the above-entitled Court; and

1 WHEREAS, the parties mediated this matter for an entire day on December 8, 2006,
2 before Michael Dickstein; and

3 WHEREAS, the parties have continued settlement discussions through Mr. Dickstein
4 following the December 8, 2006, mediation; and

5 WHEREAS, on December 22, 2006, Magistrate Judge LaPorte issued an order on
6 Plaintiff's Motion for a Protective Order allowing for depositions of experts whose declarations
7 have been submitted in support of, and in opposition to, Defendant's Motion for Summary
8 Judgment; and

9 WHEREAS, in light of their continued settlement discussions, the parties believe that a
10 further continuance of the hearing on the above described Motions would best preserve the status
11 quo and allow them to continue to focus their efforts on settling this case; and

12 WHEREAS, Plaintiffs consent to a continuation of this hearing for at least fourteen (14)
13 days and the parties are discussing an agreement for a longer continuation to allow a settlement to
14 be completed;

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NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the parties that the hearing on Plaintiffs' Motion for Summary Adjudication, Defendant's Motion for Summary Judgment, Plaintiffs' Motion for Class Certification, and Plaintiffs' Motion to Strike Counterclaims shall be continued for at least two (2) weeks to a date most convenient for the Court.

Dated: December 29, 2006

MORGAN, LEWIS & BOCKIUS LLP

By: Christopher A. Parlo
 Christopher A. Parlo
 Attorneys for Defendant
 METROPOLITAN LIFE INSURANCE
 COMPANY

Dated: December 29, 2006

EDGAR LAW FIRM

By: Donald S. Edgar
Jeremy R. Fietz
 Donald S. Edgar
 Jeremy R. Fietz
 Attorneys for Plaintiffs

IT IS ORDERED THAT THE HEARING ON PLAINTIFFS' MOTION FOR SUMMARY ADJUDICATION, DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND PLAINTIFFS' MOTION TO STRIKE DEFENDANT'S COUNTERCLAIMS BE CONTINUED TO 02/05/07 at 10:00 AM.

January 4, 2007
 Dated: ~~December~~ January 4, 2007

Hon. Thelton E. Henderson

